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February 24, 2021

**VIA ECF**

Honorable Michael A. Hammer, U.S.M.J.  
United States District Court for the District of New Jersey  
Martin Luther King Jr. Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

**Re: *Alkermes, Inc., et al. v. Teva Pharmaceuticals USA, Inc.***  
**Civil Action No.: 2:20-cv-12470 (MCA/MAH)**

Dear Judge Hammer:

This firm, together with Sterne, Kessler, Goldstein & Fox P.L.L.C., represents Defendant Teva Pharmaceuticals USA, Inc. ("Teva") in connection with the above-referenced matter. Pursuant to Local Civil Rule 16.1(f), Teva requests that the Court adjourn the upcoming February 28, 2021 deadline contained in paragraph 3 of the Pretrial Scheduling Order (D.E. 28) to serve all written discovery, and reset the deadline to August 2, 2021.

Teva respectfully submits there is good cause to amend the February 28 deadline for the service of written discovery to August 2, 2021. Under the schedule the parties agreed to, and which was adopted by this Court, Teva's deadline to serve contentions is March 8, 2021, Plaintiffs' deadline to serve responsive contentions is April 22, 2021, the deadline to submit the Joint Claim Construction and Prehearing Statement is June 28, 2021, the deadline to substantially complete document production is October 13, 2021, the deadline to raise discovery disputes with the Court is November 1, 2021, and fact discovery does not close until December 16, 2021. (D.E. 28). While Teva already served its initial set of requests for production and initial interrogatories on February 5, 2021, the requested modification will permit the time needed to consider Plaintiffs' infringement and validity contentions, claim construction positions, and responses to Teva's initial discovery requests and related document production, all of which will assist in focusing any additional written discovery Teva may need to serve on Plaintiffs.

Moreover, the proposed new deadline for the service of written discovery provides ample time for the parties to serve responses, which responses will be due no later than September 1, 2021. Likewise, to the extent there are any disputes arising from those discovery responses, the parties will have two full months to meaningfully meet and confer in an effort to resolve any disputes and, if necessary, timely raise any disputes with the Court in advance of the November 1, 2021 deadline to raise discovery disputes with the Court. (D.E. 28, at 2). Thus, Teva's requested adjustment to the February 28, 2021 deadline impacts no other deadlines in the case schedule.

Teva requested Plaintiffs' consent to the requested modification, but unfortunately Plaintiffs have not consented. Rather, Plaintiffs maintain that the February 28 deadline for the service of all written discovery is consistent with Your Honor's preference to ensure orderly case

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management and offered only to agree to an adjustment of this deadline to May 13, 2021. While Teva had hoped to avoid burdening the Court with this submission and appreciates Plaintiffs' effort to compromise, unfortunately May 13 does not provide sufficient time to serve any additional discovery given the rest of the milestone dates in the case schedule leading up to the December 16 close of fact discovery. Plaintiffs' proposal is just three weeks after responsive contentions, nearly two months before claim construction positions are crystalized, five months before the substantial completion of document production, and nearly six months before the deadline to raise discovery disputes with the Court. As explained above, Teva submits that the proposed new deadline still allows for an orderly progression of the case, but without foreclosing additional discovery that will necessarily be informed by the parties' contentions, claim construction positions, and responses to initial discovery requests and document productions. Moreover, while the current February 28 deadline and Plaintiffs' compromise May 13 deadline will necessitate future applications to the Court seeking leave to serve additional discovery, Teva's proposed new deadline of August 2, which impacts no other dates in the case schedule, will minimize the need to burden the Court with any such applications.

Teva appreciates the Court's consideration of this submission and ongoing attention to this matter. Should the requested extension meet with Your Honor's approval, Teva respectfully requests that Your Honor "So Order" this correspondence and have it entered on the docket. As always, Teva is available should Your Honor or Your Honor's staff have any questions regarding this request.

Respectfully submitted,

*s/Liza M. Walsh*

Liza M. Walsh

cc: All Counsel of Record (via ECF and Email)

So Ordered this \_\_\_\_ day of February, 2021

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Honorable Michael A. Hammer, U.S.M.J.